

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3932 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

RAMESHKUMAR DHANJIBHAI PARMAR

Versus

STATE OF GUJARAT

Appearance:

MR JA ADESHRA for Petitioner

MR HH PATEL for Respondent No. 1

NOTICE SERVED BY DS for Respondent No. 2, 3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 15/08/1999

ORAL JUDGEMENT

1. Having heard the learned counsel for the parties,
prima-facie what I feel that the transfer of the low paid
employee more so in work charge cadre normally should be
within reasonable distance of his residence and that too
only on condition in case where he has been declared
surplus or where administrative exigencies require the
transfer.

2. However, for this exercise, factual aspect has to be gone into for which I consider it to be appropriate to dismiss this petition with direction to the respondent No.1 to consider this petition to be a representation of the petitioner and decide the same keeping in view the fact that he is a low paid work charge employee. In case the vacancy is available at the place where he is working then he may be continued there and if the vacancy is not available then he may be adjusted to some nearby place. If the respondent No.1 considers that he cannot be adjusted to a nearby place then a reasoned order may be passed and copy of the same may be sent to the petitioner by registered post A.D.. Interim relief granted by this Court shall continue till the decision is taken by the respondent No.1 on representation of the petitioner. Where any adverse order is passed against the petitioner then interim relief shall continue for a further period of 15 days from the date of the order. Liberty is granted to the petitioner to bring further material fact relevant to the controversy by filing a further representation, if he so desires. Further liberty is granted to the petitioner for revival of this special civil application in case of difficulty. Copy of this order be sent to the respondent No.1. Rule is discharged subject to the aforesaid directions with no order as to costs.

zgs/-